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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,927	10/19/2001	Franc J. Camara	MS1-262USC2	3524
22801	7590	10/06/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			BAUTISTA, XIOMARA L	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/086,927	Applicant(s) CAMARA ET AL.	
	Examiner X L Bautista	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 35,37-39 and 50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 50-54 and 62-65 is/are allowed.
- 6) ☒ Claim(s) 37-39 and 55-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 37-39 and 55-61 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 37-39 and 55-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Lavendel et al* (US 6,587,129 B1) and *Humpleman et al* (US 6,288,716 B1).**

#### Claims 37 and 55:

Lavendel discloses a user interface for image acquisition devices including a control area for displaying a property sheet that has a plurality of property pages, each having an interface for image acquisition device control and a tab describing the control provided by the property page (displaying a user interface to enable the user to capture an image), (abstract; col. 2, lines 63-67; col. 3, lines 1-7). Lavendel teaches a user interface that enables a user to create a device object for an imaging device and to choose the device object (col. 1, lines 20-67; col. 2, lines 1-60; col. 3, lines 44-66; col. 4, lines 1-46; col. 9, lines 7-67; col. 10, lines 1-38; figs. 3, 7-11e). Lavendel does not specifically teach querying the imaging device for properties. However, Humpleman discloses a method for controlling a variety of home devices.

Humpleman teaches a graphical user interface having graphical representations of the home devices, which the user can utilize to interact with the devices. Humpleman teaches a configuration manager that maintains a list of the home devices that are currently connected to the home network; an electrical bus that provides a communication medium that is used by the configuration manager by a first home device and by a second home device to communicate with each other (accessing and querying properties), (abstract; col. 2, lines 26-67; col. 3, lines 1-18; col. 4, lines 42-53, 62-67; col. 5, lines 1-22). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Lavendel's interface for image acquisition devices to include Humpleman's system having a configuration manager that communicates with the devices connected to the system to query for properties because the first and second device can communicate with each other without having to know specific details about each other (such as properties), the computer will access the necessary information from the connected device every time the user needs to manipulate the device (camera, scanner, etc.).

Claims 38, 56, and 58-61:

See claim 37. Lavendel teaches that the invention can be implemented in an image acquisition device such as a camera (col. 1, lines 31-45).

Claims 39 and 57:

See claim 37. Lavendel teaches that the invention can be implemented in an image acquisition device such as a scanner (col. 1, lines 31-45, 51-58; col. 2, lines 35-42; col. 3, lines 18-24).

***Allowable Subject Matter***

4. Claims 50-54 and 62-65 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter: Prior art of record fails to teach a graphical user interface having a user interface portion to enable a user to capture an image using an imaging device; the user interface portion including a graphics window including a user interface area having a context space; a preview scan space within the context space; and a persistently-visible menu adjacent the preview scan space and within the context space; the preview scan space progressively displays an image within the preview scan space to visually convey that the imaging device is scanning the image.

Lavendel teaches a user interface having a preview area for displaying a preview image; the image acquisition device delivers a preview image that is displayed in a preview area; the user can manipulate and adjust the selected image; the image immediately reflecting the adjustments (col. 9, lines 7-22). Lavendel fails to teach or suggest that the preview image is progressively displayed within the preview area to visually convey that the imaging device is scanning the image.

IBM Technical Disclosure Bulletin "Host System and Attached Non-Programmable Terminal with Open Parallel Port" published in 1995 (IBM, hereinafter) discloses an image scanning application programming interface (API) that can be added on a host system; the host application enabled to have a menu where the user initiates image scanning. IBM teaches a Preview Mode, wherein data from the scanner could be displayed in an Online Setup Mode Screen so that the user can view the scanned image as the compressed data is passed to the work station controllers (WSC), (page 475 and 478). IBM fails to teach or suggest that the preview image is progressively displayed within the preview window to visually convey that the imaging device is scanning the image.

***Conclusion***

6. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach a computer that communicates with devices that are connected to it and a graphical user interface having graphical representations of the connected devices for enabling a user to control the devices.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on Monday-Thursday (8:00-18:00), Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

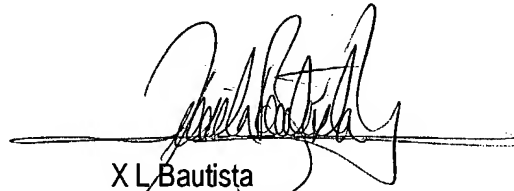
***PTO Move Information***

9. The Patent and Trademark Office will be moving to Carlyle in October 2004 (October 12<sup>th</sup> through

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October 28<sup>th</sup>). The Examiner's new telephone number will be (571) 272-4132; The Examiner's SPE new telephone number will be (571) 272-4136; and the Technology Center Main Telephone Number will be (571) 272-2100.

A handwritten signature in black ink, appearing to read 'X L. Bautista', is written over a horizontal line.

X L. Bautista  
Primary Examiner  
Art Unit 2179

xl  
28 September 2004